IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6774 of 2005

Between:

1 Kanchi Naga Dharama Rao, S/o. Satyanarayana
Bommuluru Village, Bapulapadu Mandal,
Krishna District.
2 Smt. Matta Rajashwari, W/o.Venkateswara Rao,
Bommuluru Village, Bapulapadu Mandal,
Krishna District.
3 Matta Bale Ramaiah, S/o.Tataiah,
Bommuluru Village, Bapulapadu Mandal,
Krishna District.
4 Naidu Pulla Rao, S/o.Adinarayana,
Bommuluru Village, Bapulapadu Mandal,
Krishna District.

...PETITIONERS

AND

1 The District Collector, Krishna District,
Machilipatnam,
2 The Joint Collector, Krishna District,
Machilipatnam,
3 The R.D.O., Nuzuvid, Krishna District.
4 The M.R.O., Bapulapadu Mandal, Krishna District.
5 The Mandal Revenue Inspector, Office of the Mandal
Revenue Officer, Bapulapadu,Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action on the part of Respondents in trying to evict the petitioners from their lands extents being
Ac. 4-50 cents, ac.1-25 cents, ac.70-0 and ac60-0 respectively in S.No.91 of

Bommuluru Village, Bapulapadu Mandal, Krishna District, without following due process of law and without passing any order under Section 6 of the Madras Estates Land Act, 1905, as arbitrary, illegal and violative of principles of Natural justice and consequently direct the Respondents to consider the case of the petitioners for assignment of land in S.No.91, basing on the representation of the petitioners dt 20-07-2004.

Counsel for the Petitioners: MR.G.VIVEKANAND

Counsel for the Respondent Nos.1 to 5: GP FOR REVENUE

The Court at the stage of admission made the following :

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ORDER:

Petitioners were served with notices under Section 7 of the A.P. Land Encroachment Act, 1905 (for short “the Act”), alleging that they have encroached the lands belonging to the Government unauthorisedly and calling upon them to show cause as to why they should not be evicted from the said lands. Petitioners state that in response to the said notice issued by the fourth respondent-Mandal Revenue Officer, Bapulapadu Mandal,Krishna District, they have submitted a detailed explanation denying the allegations therein. The grievance of the petitioners is that the fourth respondent has not passed any final order under Section 6 of the Act so far, but in the meanwhile, steps are being taken to dispossess the petitioners highhandedly from the lands in question. Hence this writ petition.

Having heard learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents and having regard to the facts and circumstances of the case, I find force in the plea of the petitioners that the respondents are not justified in interfering with their possession without passing a final order under Section 6 of the Act.

Accordingly, the writ petition is disposed of with a direction to the respondents not to dispossess the petitioners from the lands in question, without passing any order under Section 6 of the Act and without serving the same on the petitioners. No costs.

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30.03.2005

Note : Furnish C.C by tomorrow.

(B/o)

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To

1 The District Collector, Krishna District,
Machilipatnam,
2 The Joint Collector, Krishna District,
Machilipatnam,
3 The R.D.O., Nuzuvid, Krishna District.
4 The M.R.O., Bapulapadu Mandal, Krishna District.
5 The Mandal Revenue Inspector, Office of the Mandal Revenue Officer, Bapulapadu,Krishna District.

6 Two C.Cs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

7 2 CD copies.